

REMARKS

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner finds that there is insufficient antecedent basis for "said identification card" in line 21 of Claim 1. Claim 1 has been amended to delete "identifying unit" of line 7 and substitute "identification card." Hence, it is believed that the §112 rejection has been overcome. Since Claims 1-10 were rejected solely on the basis of the §112 ground, Claims 1-10 should now be allowed.

Claims 11-14 and 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the patent to Oyama et al. (U.S. 5,496,175 and hereinafter also referred to as Oyama). Claim 15 was objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. The subject matter of Claim 15 has been incorporated into independent Claim 11. Consequently, Claim 11 should now be found allowable, together with dependent Claims 12-14 and 16-19.

Consideration of newly added Claims 20-23 is respectfully requested. The Oyama patent describes a system having three main programs. These include a questionnaire producing program, a reply gathering program and an analyzing program. The system enables individual personal data to be gathered and subsequently analyzed. As part of gathering information, messages are printed. A message may comprise information about a service ticket having added value to be given to the replier of the questionnaire in reward for the

reply (col. 10, lines 33-36). Applicant's method and system are substantially distinctive from that of Oyama, as recited in Claims 20-23.

With reference to Claim 20, it calls for, among other things, obtaining consumer information for at least a first consumer using at least one of telecommunications survey questions and written survey questions. Claim 21 further recites the step of receiving interactive information for at least the first consumer using an interactive apparatus and identifying information about the first consumer. In accordance with Applicant's method, at least two different ways of obtaining consumer information are employed. The Oyama system, on the other hand, merely describes a single approach involving a questionnaire presented to one or more individuals. There is no combination of two different information gathering steps. Claim 20 also includes steps related to providing not one, but two different coupon benefit receipts to the same first consumer. In particular, Claim 20 calls for the step of generating a coupon related to a first product and providing a consumer benefit receipt that is different from the coupon. In contrast, the Oyama patent lacks any disclosure of these two different items that are provided to the first consumer as part of Applicant's inventive method for gathering consumer information and offering an incentive to the consumer to purchase one or more particular products. Moreover, Claim 21 states that the coupon is generated using at least one of the first consumer interactive information,

information based on written survey questions and information based on written telecommunications survey questions. Thus, Applicant's coupon is a function of at least one of such information gathering steps. The Oyama system has no such coupon generating that is based on use of such consumer information. Instead, the Oyama system is directed to producing a questionnaire, using the questionnaire to gather information and analyzing the information.

In sum, Applicant's claimed method involves a number of different steps that are not taught or suggested by the Oyama reference. Indeed, the subject matter of the Oyama reference is not directed to solving the same problems and achieving the same objectives associated with the targeting of consumers taught by Applicant's method. Based on the contents of the Oyama reference, therefore, no convincing showing can be made that Applicant's invention is rendered obvious by its contents. Thus, Claim 20 should be allowed.

Claim 21 is a dependent claim that further defines the receiving step of Claim 20. In particular, the receiving step includes the step of inputting an identification card that has the identifying information for the first consumer. Particularly in light of the contents of independent Claim 20, dependent Claim 21 should also be allowed.

Claim 22 is an independent apparatus claim that is substantially similar in scope to the subject matter of Claim 20. Claim 22 calls for, among other things, first means for obtaining

consumer information for at least a first consumer using at least one of written survey questions and telecommunications survey questions. Claim 21 requires an interactive apparatus for receiving information from this first consumer while utilizing identifying information. As previously pointed out, such two sources of different consumer information are lacking in the Oyama reference. Furthermore, Claim 22 requires a coupon and a consumer benefit receipt different from the coupon. The coupon relates to a first product. The consumer benefit receipt relates to a valuable consumer item that is provided upon receiving consumer information from at least one of the interactive apparatus and the first means. The teachings of the Oyama reference fail to encompass providing two different consumer items, namely a coupon and a benefit receipt. Claim 22 requires second means for generating the coupon as a function of responses to at least one of the information obtained by the interactive apparatus and/or the written survey questions and/or the telecommunications survey questions. No such coupon is generated by the Oyama system, and certainly no coupon is generated as a function of such consumer information. Additionally, Claim 22 requires a third means for redeeming the coupon. Since the Oyama system is not directed to achieving these same objectives and solving the same problems as Applicant's system, no such element is found in the Oyama system.

In view of these numerous and major patentable distinctions recited in Claim 22, no proper basis can be found for urging that

Claim 22 is anticipated or rendered obvious by the teachings of the Oyama patent. Therefore, Claim 22 should be allowed.

Claim 23 is a dependent claim that depends from Claim 22. Claim 23 requires that the consumer benefit receipt be a reward item that is exchangeable for cash or its equivalent. No teaching or suggestion is found in the Oyama patent directed to this feature and, when considered together with the patentable aspects of Claim 22, Claim 23 should also be allowed.

A check in the amount of \$48.00 is enclosed to cover the fee for the additional claims. Please charge Deposit Account No. 19-1970 for any further amount that might be due in connection with the filing of this Amendment and Response.

A sincere effort has been made to place this application in condition for allowance. Early notice of such allowance is, therefore, earnestly solicited.

Respectfully submitted,

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